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Attorneys for Plaintiff
TERESA WYATT, Individually and On
Behalf of All Others Similarly Situated

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

TERESA WYATT, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

v.

CELLCO PARTNERSHIP, A Delaware General
Partnership d/b/a VERIZON WIRELESS,

Defendant.

) Case No.: 07 CV 2265 JM (CAB)

) **CLASS ACTION**

) **DECLARATION OF TERESA WYATT**
) **IN OPPOSITION TO MOTION TO**
) **COMPEL ARBITRATION**

) **Date: May 2, 2008**
) **Time: 1:30pm**
) **Judge: Hon. Jeffrey Miller**
) **Courtroom: 16**

I, TERESA WYATT, declare as follows:

- 1) I am the plaintiff in this action and make this declaration on the basis of my personal knowledge unless otherwise stated.
- 2) I was unaware of any arbitration clause or contract until months past my purchase. I was only made aware of an arbitration clause when I went to speak with an attorney regarding my situation. No one ever mentioned anything to do with arbitration at or before the sale of the phone to me. I was completely surprised that any arbitration clause would be in my contract.
- 3) I do not have a copy of Exhibit 1 that has my signature. I remember signing on an electronic pad to charge my debit card for the purchase of the phone. The salesman printed and slid

1 a piece of paper into the electronic pad, and I was told to sign. The salesman then took the paper
2 from the pad and stuffed it into the plastic carrier bag with the phone box. I don't believe I even was
3 allowed to hold the thing I signed, if that was Exhibit 1. The salesman only said he was printing out
4 copies of receipts for me to submit for my rebate. The Verizon store salespeople rushed me through
5 the sale, told me where to sign to charge my card, and moved us along. The store was quite busy
6 that day and the lines were long.

7 4) As nothing was provided to me except the phone box, some accessory pieces, the
8 receipts, and a Verizon carrier bag, Exhibit 2 appears to be a document that – if ever given to me –
9 would have been inside the shrink-wrapped phone box. I certainly was never given the opportunity
10 to read and review Exhibit 2 prior to my purchase. I was also not provided any of the arbitration
11 rules Exhibit 2 refers to. I doubt the Verizon store had them on hand and I did not see any computer
12 terminals around for the public to go online. I am certain that Verizon would never allow any
13 consumer to change or negotiate the terms of their contracts. In my experience, everything is
14 presented on a “take-it-or-leave-it” basis.
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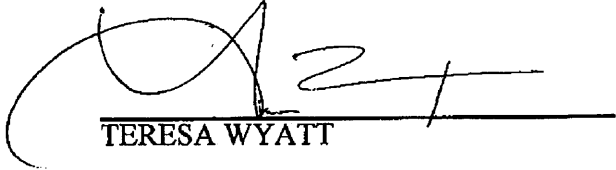
16 5) For me, and I believe everyone else, cell phones are important for safety. If alone at
17 night on the street, or if my car breaks down, or in an emergency, the cell phone may be the only
18 way for me to get help. It may also be the only way for my children to reach me in an emergency. I
19 think it is unfair for large companies like Verizon to attempt to take advantage of consumers by
20 secreting unfair arbitration clauses and other waivers of important rights into contracts for these
21 important items. If I had the choice, I would never knowingly sign up for an arbitration clause or
22 waive class action or other protections. I am a working mom and not a wealthy person. I certainly
23 cannot afford to pay attorney fees over a few hundred dollar dispute. Based on my research at the
24 time, I believe Verizon was the only service provider selling the Blackberry 8830 at the time I
25 bought it.

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1 6) I declare under penalty of perjury under the laws of the United States that the
2 foregoing is true and correct and that this declaration was signed on the 18th day of April, 2008,
3 at San Diego, California.

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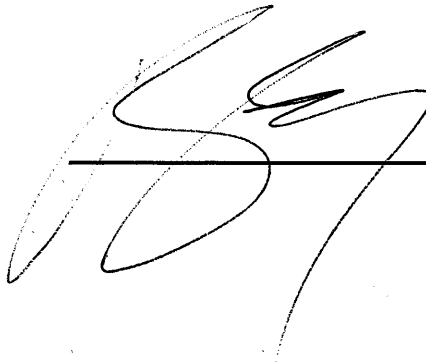


TERESA WYATT

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on April 18, 2008.

Date: April 18, 2008

A handwritten signature in black ink, appearing to be "Teresa Wyatt", is written over a horizontal line. The signature is stylized with large loops and a long tail.